

STATE OF INDIANA       )  
                                  )  
COUNTY OF MARION     )  
                                  SS:   BEFORE THE INDIANA DEPARTMENT  
  OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:                       )  
THE FORMATION OF THE                   )  
WELLS COUNTY REGIONAL                 )  
SEWER DISTRICT                         )

FINDINGS OF FACT AND RECOMMENDED ORDER  
OF THE HEARING OFFICER

FINDINGS OF FACT

1. On or about October 23, 2006, the Wells County Commissioners and the Wells County Council petitioned the Indiana Department of Environmental Management (IDEM) for an Order to establish a regional sewer district (RSD) in Wells County.
2. Two amendments were submitted to IDEM and received on April 14, 2008 and September 9, 2008.
3. The first amendment, received on April 14, 2008, added two additional trustees to the board and expanded the RSD's territory to all of the unincorporated areas within the county.
4. The second amendment, received on September 9, 2008, added Wells County Commissioner Resolution 2008-2 to the petition.
5. The submitted petition and amendments comply with the provisions of IC 13-26-2.
6. The proposed name of the regional sewer district is the Wells County Regional Sewer District (Wells County RSD).
7. A public hearing was held on October 20, 2008 at the Wells County Community Center, 1240 South 4-H Road, Bluffton, Indiana.
8. Notice of the hearing was given by publication in "The Fort Wayne Journal Gazette" on October 6, 10, 13 and 17, 2008, in the "News Banner" on October 3, 8, 14, and 17, 2008 and in the "Ossian Journal" on October 2, 9, and 16, 2008.
9. The principle office of the Wells County RSD shall be located in the office of the County Auditor, 102 W. Market Street, Suite 205, Bluffton, Indiana, 46714. The Wells County RSD Board of Trustees (Wells County RSD Board), upon formation, may relocate the office after written notice to IDEM.
10. The sanitary sewage needs of those residents now residing within the proposed Wells County RSD territory are currently being met with septic systems, some of which are failing.

11. Most of the residents of the Wells County RSD currently obtain their water for drinking and other purposes from cisterns or individual wells. Contamination from failing septic systems is detrimentally affecting the water quality and public health in the proposed Wells County RSD territory.
12. The current method of collection and disposal of the sanitary sewage of some of the residents in the proposed Wells County RSD territory is insufficient and detrimentally affects the water quality and public health within the proposed district.
13. The Wells County RSD is being formed to provide for the collection, treatment, and disposal of sewage within the district pursuant to IC 13-26-1-1.
14. Upon formation, the Wells County RSD may construct and operate a system that will collect and treat the sanitary sewage of the residents of the Wells County RSD. The Wells County RSD may contract with a district or municipality to meet the sewage treatment needs of the residents of the RSD. The RSD may implement a septic maintenance/management program as needed.
15. The proposed district has no outstanding indebtedness.
16. The Wells County RSD shall be governed by a Board of five (5) voting Trustees to be appointed as follows:
  - A. The Wells County Commissioners shall appoint two (2) Trustees. The term shall expire December 31, 2012.
  - B. The Wells County Council shall appoint two (2) Trustees. The term shall expire December 31, 2011.
  - C. The executive of a municipality contracting with the District shall appoint one (1) Trustee. If more than one municipality is utilized then the District shall define the terms in further detail through its by-laws. This term expires December 31, 2010.
  - D. All succeeding appointments after the expiration of initial terms, notwithstanding Paragraph C above, shall be for a period of four (4) years.
  - E. In the event a vacancy occurs on the Wells County RSD Board, the appointing authority for that trustee shall appoint a new trustee within thirty (30) days of notification from the Board that such a vacancy exists. The new trustee will complete the term of the vacated position.
15. The estimated monthly sewage rate is projected to be approximately \$69.00 to \$146.00, provided the Wells County RSD pursues and receives public funding as needed.

16. The Wells County RSD shall apply for available public funding as needed.
17. The operation and maintenance costs of the Wells County RSD will be derived from monthly user fees.
18. The Wells County RSD appears capable of accomplishing the purposes for which it was formed in an economically feasible manner, provided it maximizes all practicable public funding options and receives anticipated grants.
19. The Wells County RSD territory will include all unincorporated areas of Wells County, Indiana.
20. The Wells County RSD Board shall provide sufficient bond for all officers and Trustees or employees who have any power to disburse funds of the Wells County RSD.
21. On or before March 15, 2010, the Wells County RSD shall file with the Commissioner of IDEM, a detailed plan (the "District Plan") for the construction and operation of Wells County RSD's facilities.
22. Options for the treatment and collection of wastewater have been preliminarily studied and further studies will be prepared after the formation of the district.
23. Establishment of the District will be conducive to the public health, safety, convenience and welfare of the residents of the District because the District plans to collect, dispose and treat sewage that is currently being provided by individual septic tanks or other on-site systems.
24. The plan for financing the cost of operations of the Wells County RSD until it is in receipt of revenue from its operation or proceeds from the sale of bonds may include a forty (40) year loan from United States Department of Agriculture (USDA)-Rural Utility Services or the Indiana State Revolving Fund (SRF) and private contributions.

#### RECOMMENDED ORDER

The Hearing Officer recommends the following:

1. That a Regional Sewer District, to be known as the Wells County Regional Sewer District (Wells County RSD), be organized as an independent political entity of the State of Indiana as a body corporate and politic.
2. The purposes to be accomplished by the formation of the Wells County RSD are to provide for the collection, treatment, and disposal of sewage within the district pursuant to IC 13-26-1-1.
3. The territory of the Wells County RSD is to include all of the unincorporated areas of Wells County, Indiana.

4. The Wells County RSD shall be governed by a Board of five (5) voting Trustees to be appointed as follows:
  - A. The Wells County Commissioners shall appoint two (2) Trustees. The term shall expire December 31, 2012.
  - B. The Wells County Council shall appoint two (2) Trustees. The term shall expire December 31, 2011.
  - C. The executive of a municipality contracting with the District shall appoint one (1) Trustee. If more than one municipality is utilized then the District shall define the terms in further detail through its by-laws. This term expires December 31, 2010.
  - D. All succeeding appointments after the expiration of initial terms, notwithstanding Paragraph C above, shall be for a period of four (4) years.
  - E. In the event a vacancy occurs on the Wells County RSD Board, the appointing authority for that trustee shall appoint a new trustee within thirty (30) days of notification from the Board that such a vacancy exists. The new trustee will complete the term of the vacated position.
5. The Wells County RSD Board shall provide sufficient bond for all officers, trustees or employees who have any power to disburse funds of the Wells County RSD.
6. On or before March 15, 2010, the Wells County RSD shall file with the Commissioner of IDEM, a detailed plan (the "District Plan") for the construction and operation of Wells County RSD's facilities.
7. The Wells County RSD shall apply for all available public funding as needed.
8. Establishment of the District will be conducive to the public health, safety, convenience and welfare of the residents of the District because the District plans to collect, dispose and treat sewage that is currently being managed by individual septic tanks or other on-site systems.
9. Upon formation, the District may construct or contract for treatment, pumping, transmission, and storage and distribution systems for the municipal and rural supply needs.

Dated: June 2, 2009 Hearing Officer Lynne L. Newton

STATE OF INDIANA )  
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COUNTY OF MARION ) SS: BEFORE THE INDIANA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF: )  
THE FORMATION OF THE )  
WELLS COUNTY REGIONAL )  
SEWER DISTRICT )

ORDER ADOPTING THE FINDINGS OF FACT  
AND RECOMMENDED ORDER OF THE HEARING OFFICER  
FOR THE ORGANIZATION OF THE  
WELLS COUNTY REGIONAL SEWER DISTRICT

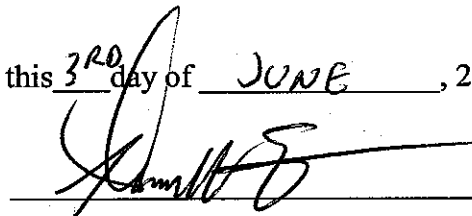
Notice is hereby given that the Hearing Officer has filed with the Commissioner of the Indiana Department of Environmental Management (Commissioner) the "FINDINGS OF FACT AND RECOMMENDED ORDER" relative to the petition requesting organization of the Wells County Regional Sewer District (RSD). Said FINDINGS and RECOMMENDED ORDER are attached to this ORDER, and consist of four (4) pages.

And the Commissioner, having reviewed the attached "FINDINGS OF FACT AND RECOMMENDED ORDER" of the Hearing Officer, now determines that the organization of the proposed RSD complies with the conditions of Indiana Code 13-26 et seq., and that the proposed RSD appears capable of accomplishing its purpose in an economically feasible manner.

IT IS NOW ORDERED BY THE COMMISSIONER that the Wells County Regional Sewer District be organized as an independent municipal corporation pursuant to the terms and conditions set forth in the attached "FINDINGS OF FACT AND RECOMMENDED ORDER" which are adopted and approved, and deemed incorporated in this ORDER.

Pursuant to IC 13-26-2-11, IC 4-21.5-3-2 and IC 4-21.5-5-5, this ORDER becomes effective thirty-three (33) days after service through the United States mail, unless a petition for judicial review is filed before or on the thirty-third (33<sup>rd</sup>) day. Standing and substantive requirements of the verified petition for review are specified in IC 4-21.5-5-3 and IC 4-21.5-5-7, respectively. Pursuant to IC 4-21.5-5-9, a person seeking judicial review of this ORDER may, by filing a verified petition, request an order of the court staying this ORDER, pending a decision by the court.

All of which is ORDERED at Indianapolis, Indiana this 3<sup>rd</sup> day of JUNE, 2009.



Thomas W. Easterly, Commissioner  
Indiana Department of  
Environmental Management

